

SANITARY REGULATIONS

Art. I. General. §§ 14-1—14-19

Art. II. Package Sewer Treatment Plants and Special Design Systems, §§ 14-20—14-29

Art. III. On-Site Septic Systems, §§ 14-30—14-39

Art. IV. Water Supply, §§ 14-40—14-48

Article I. GENERAL

Sec. 14-1. Title.

This chapter shall be known and may be cited as the “Sanitary Code of Culpeper County, Virginia.”

Sec. 14-2. Statement of intent.

The purpose of this chapter is to set forth guidelines and provisions for water supply and sewage disposal systems in the County. These disposal systems are the largest potential contributor to contamination of surface and ground water in rural Virginia. These regulations are intended to provide protection for Culpeper County residents who depend on groundwater for the primary source of domestic water consumption. The regulations will ensure that only reliable systems are implemented, that they are utilized in appropriate areas, and that they are properly maintained for the protection of County surface and ground water resources. These regulations also address water systems as they apply to subdivisions in the County. The regulations are promulgated for the protection of public health and shall be in conformance with specifications of the Virginia Department of Health and State Water Control Board for public and private sewer and water systems, including, but not limited to the following regulations as amended or superceded: Sewage handling and Disposal Regulation 12 VAC 5-610; Alternative discharging systems shall conform to the Virginia Department of Health Regulations 12-VAC-5-640 and the Virginia Department of Environmental Quality VAC 25-790 SEWAGE COLLECTION & TREATMENT REGULATIONS, and the State Water Control Board NPDES Permit program for public and private sewer; Public Water and Distribution systems shall

conform to Virginia Department of Health Water Works Regulations 12-VAC-590; and private wells shall conform to The Private Well Regulations, 12-VAC-5-630.

Water and Sewer systems shall also conform with all Culpeper County Water and Sewer Authority regulations and standards.

Sec. 14-3. Definitions.

For the purposes of this chapter, words and phrases shall be interpreted as defined in the applicable state regulations noted in Section 14-2, above. Central or centralized water system shall mean a water supply source and distribution system serving two or more dwellings or structures intended for human occupation which are located on separate parcels.

Sec. 14-4. Application of and responsibility for compliance with chapter.

- (a) The requirements of this chapter shall apply to all new wastewater and water supply systems, both private and public, and they shall also apply to replacements of or additions to existing systems.
- (b) Building and excavation contractors, plumbers, well diggers, well drillers, and any person making installations or repairs to existing systems shall be responsible for compliance with this chapter, as well as any person for whom such installation or repairs are being made.

Sec. 14-5. Violations of chapter.

Unless otherwise specifically provided, any person who shall violate or neglect, fail or refuse to comply with any provision of this chapter shall be guilty of a Class 1 misdemeanor and, upon conviction thereof, be subject to a fine of up to two thousand, five hundred dollars (\$2,500), or imprisonment not to exceed twelve (12) months, or both.

Sec. 14-6. Approved sewage disposal systems required.

It shall be unlawful for any person to use or occupy or allow to be used or occupied any house or other residential, commercial or industrial structure, public or private, which will be used for human habitation, employment or occupancy unless such structure is equipped with an approved method of sewage disposal. Any structure lacking such facilities, which preceded this chapter, may not undergo a change or an expansion in use nor an expansion of structure without providing the property with adequate sanitation facilities.

Sec. 14-7. Inspection of sewage disposal systems.

The Culpeper County Health Department is authorized to inspect any sewage treatment or disposal system or water supply system which is maintained in the County for the purpose of determining if such systems are operating properly. Having been provided reasonable notice under the circumstances, it shall be unlawful for anyone claiming an interest in the premises to refuse to allow such inspections upon request at reasonable times. In addition, County development officials or authorized agents thereof have the same rights of inspection.

Sec. 14-8 Guaranty of sewage treatment systems.

Any permit issued by the County Health Department for any treatment system is recognized as an approval for installation of said system. Any change in use of the site or alteration of the conditions under which the permit was issued may render the permit void. It is the responsibility of the system

owner or subsequent owner to maintain, repair or replace any system which becomes substandard for any reason or fails to operate in accordance with the performance standards of the permit.

Sec. 14-9. Final subdivision plat approval requirements.

The final record plat of any lot which is approved for use with a central sewer and/or water system must contain one (1) or more of the following notes when applicable:

- (1) Lot subject to central water system.
- (2) Lot subject to private central wastewater treatment system.
- (3) Lot subject to public central wastewater treatment system.

Sec. 14-10. Reserved

Sec. 14-11. Misuse or neglect of system.

It shall be unlawful for any owner or any tenant or lessee of any premises properly supplied with a potable water system, private or public, to misuse or neglect the same so as to allow it to become unsafe.

Sec. 14-12 – 14-14 (Reserved)

Sec. 14-15. Prerequisite to obtaining building permit.

It shall be unlawful for any person to obtain a building permit in the County until such time as that person has a permit from the County Health Department or the State Health Commissioner, where applicable, for the construction of a water supply or wastewater system, where such a permit is required. In those instances where the applicant shall connect to an existing public or centralized supply, he shall obtain from the owner of such supply a letter of intent which shows that the system is safe and adequate and will be made available.

Sec. 14-16. Fees

Fees may be set from time to time by the Culpeper County Board of Supervisors to assist in implementation of this ordinance.

Some or all of these fees may be collected by the County Health Department.

Sec. 14-17. County water and wastewater plans.

- (a) The County or its Water and Sewer Authority ("WSA") may from time to time establish sewer and/or water districts or approve plans identifying service areas for sewer and water development or extension. Where such plans or districts exist, proposed private water and wastewater systems shall be consistent with the designated areas and require the review and approval of the Board of Supervisors, as provided for in The Culpeper County Zoning Ordinance or regulations of this WSA, whichever is applicable. No such system shall be approved without a determination of consistency with adopted plans and districts and are expressly prohibited in other portions of the County.
- (b) All centralized or public water and wastewater systems in the County, shall have a designated service area as part of the permit and approval process. On-site wells and on-site treatment systems (septic and others) may be prohibited within designated service areas of approved water or wastewater facilities.

Secs. 14-18 – 14-19. (Reserved)
ARTICLE II. ALTERNATIVE TREATMENT SYSTEMS

The regulations contained in this Article apply to all sewer treatment plants, package plants, special design systems, etc., which are to be utilized by any individual, commercial, or industrial site, any individual development or subdivision, and any single lot or existing structure. The regulations contained herein do not apply to any

municipally owned, contracted or operated systems. For the purposes of this Article, the term "alternative treatment system" or "alternative system" shall mean any discharging package treatment system or sewage treatment plant, and any special design system, discharging or non-discharging other than traditional on-site septic systems and systems accepted as generally approved or conventional by the Virginia Department of Health and the Virginia Department of Environmental Quality. All provisional or experimental systems shall be considered "alternative treatment systems".

Sec. 14-20. Suitable locations for alternative treatment systems.

Alternative treatment systems are restricted to use as follows:

- (1) In no case will an alternative system be approved for a minor subdivision. The Zoning Administrator may waive this limitation in the case of family divisions, or refer family division requests to the Planning Commission and the Board of Supervisors through the use permit process.
- (2) Where an existing lot of record has a failing drainfield or is otherwise unbuildable, an individual system may be utilized. Existing hardship conditions must be verified by the County Health Department and approved by the Zoning Administrator, demonstrating that no reasonable alternative exists. Any existing lot which was approved as "unbuildable" shall not be eligible.
- (3) Where a single system is proposed to serve a commercial, industrial, institutional or community/public use, subject to issuance of a use permit in accordance with Article 17 of the Zoning Ordinance.

Sec. 14-21. Justification of the use of alternative treatment systems.

- (a) Alternative treatment systems may be utilized for commercial and industrial purposes, where appropriate, based on the Comprehensive Plan and other guidelines set forth in this chapter. Such a use is subject to Planning Commission consideration through use permit and site plan review.
- (b) Alternative systems shall be located outside of any floodplain and shall not be located in areas where surface water quality would be compromised.
- (c) In all cases, it must be shown that the use of such a system will not compromise the quality of surface or ground water in the area. In addition, the level of development must warrant the utilization of an alternative system.
- (d) In some instances, when systems are proposed as per Section 14-20 above, a use permit subject to the regulations outlined in Article 17 of Appendix A, Zoning Ordinance shall be required. Such use permits are also subject to any other limitations found in Appendix A of this Code. Alternative systems (non-discharging) may be utilized to repair a failing septic system without being subject to Article 17. Additionally, systems which would serve only a single family dwelling in accordance with 14-20(3) and systems to serve family divisions in accordance with 14-20(2) can be approved administratively by the Zoning Administrator, through issuance of a zoning permit.

Sec. 14-22. Proposed systems to meet minimum design criteria.

All waste disposal systems must be in compliance with Virginia Department of Health and Virginia Department of Environmental Quality Regulations.

Sec. 14-23. Construction of treatment systems requiring discharge into state waters.

- (a) Any commercial or industrial alternative treatment system will not be considered by the Planning Commission or by the Board of Supervisors until the proper permits have been secured by the State Water Control Board or other authorizing state agency.

Sec. 14-24. Expiration of approvals.

Any proposal for a wastewater treatment system which is approved through the processes of this chapter must be acted upon in a timely manner. If construction permits have not been obtained and work begun within three (3) years, approvals become null and void.

Sec. 14-25. Inspections

In addition to those required by Section 14-76, County Health Department and County development officials or authorized agents may perform inspections of any sewage treatment or water system at reasonable intervals and perform random tests. The County Building Official shall inspect all sewer lines and lateral connections prior to backfill, as well as pumps, pits and other equipment.

Secs. 14-26 – 14-29. (Reserved)

ARTICLE III. ON-SITE SEPTIC SYSTEMS

The regulations contained in this Article apply to all traditional septic systems and non-discharging, pre-engineered alternative systems which are considered generally approved, conventional systems by the Virginia Department of Health.

Sec. 14-30. Proposed on-site septic systems to meet minimum design criteria.

- (a) All systems must meet the current regulations of the Virginia Department of Health at the time of installation.

- (b) The minimum standard waste disposal area should be at least five thousand (5,000) square feet of primary drainfield and a reserve area in accordance with Subsection (c) below. Larger primary drainfield areas may be required depending on soil type and percolation rate, as determined by the Culpeper County Health Department. Smaller primary drainfield areas may be permitted for pre-engineered alternative systems as determined by the Culpeper County Health Department.
- (c) Reserve drainfield areas must be provided. In all cases there shall be a reserve area which is equal to one hundred percent (100%) of the primary drainfield area.

Sec. 14-31. Permitting and inspection requirements.

- (a) A permit to be obtained from the Culpeper County Health Department is required prior to the installation of any septic system. Such a permit will be valid for a maximum of twelve (12) months from the date of issuance. It shall then become null and void, requiring reassessment and permitting under current state and county regulations.
- (b) The Health Department Sanitarian or his agent shall make inspections, as he may deem necessary during construction of sewage disposal or treatment systems to determine compliance with the requirements of this chapter. The Building Official may inspect the house connection of the system as part of the building permit.
- (c) It shall be unlawful to use or operate any septic system until the Health Department has inspected and approved the installation of such use.

Sec. 14-32. Septic system maintenance.

- (a) Generally, any on-site system must be maintained in proper operating order. Engineered systems must be operated in accordance with the manufacturers instruction manual. A maintenance and monitoring plan, and a contract for such maintenance and monitoring must be submitted to and approved by the Virginia Department of Health. The plan must remain in effect for the entire life of the system. The Health Department shall determine the level of maintenance and monitoring depending on system type. At a minimum, semi-annual inspections and testing shall be required. Maintenance requirements shall be made a condition of any permit issued by the Virginia Department of Health for engineered systems. In case of failure of such a system, the Health Department must be notified and proper steps taken to correct the problem within thirty (30) days.
- (b) All septic tanks must be periodically pumped to ensure that their capacity and ability to operate properly is maintained. Pumping of all septic tanks is mandatory as needed but, in all cases, at a minimum interval of once every five (5) years, as monitored and/or required by the County Health Department.

Sec. 14-33. Approval of proposed septic system locations for newly created subdivision lots.

- (a) Any and all proposed lots to be created based upon on-site septic systems must be reviewed by the Health Department for compliance with the provisions of this chapter.
- (b) The location of a septic system shall be within the boundaries of the proposed lot. Easements for the establishment of minimum drainfields as required in this chapter are prohibited except for

replacement of systems serving existing residences or institutional uses already recorded under County codes.

- (c) Use of systems other than traditional septic systems for the purpose of subdivision is limited to non-discharging systems which are generally approved and considered conventional by the Virginia Department of Health. Such systems must be designed and approved prior to recordation of a final plat.

Sec. 14-34. Delineation of drainfield areas prior to construction.

In cases where a pre-engineered alternative system is to be installed, the area approved for the system, including the required reserve area, shall be clearly delineated on the site and site plan and protected from any land disturbance, storage of building materials, or other inappropriate activity during construction.

Secs. 14-35 – 14-39. (Reserved)

ARTICLE IV. WATER SUPPLY

Sec. 14-40. Permit required to install, repair, etc.

- (a) Required.

- (1) It shall be unlawful for any person to install, construct, alter, repair, extend or allow to be installed, constructed, altered, repaired or extended any water supply system in the County without first obtaining a permit from the County Health Department, or from the State Health Commissioner.
- (2) This section shall not apply to the repair or replacement of the existing

mechanical equipment of a water supply system.

- (b) Application.

- (1) Application for a private well permit (centralized or individual) required by this Article shall be made on such forms as are furnished by the Health Department and shall contain a clear description, location and dimensions of the land on which the water supply system is to be installed or other work is to be done. The application shall contain the signature of the owner and shall serve to represent his intent as to the proposal. The Health Department may require such plans and specifications, as it deems necessary to determine the adequacy and desirability of the systems. Such information shall be made a part of the records of the Health Department.

- (2) An application for a permit to construct a public water supply system shall be made to the State Health Commissioner, as well as to the County Health Department.

- (c) Issuance or denial.

- (1) When the approving authority is satisfied that a proposed water supply system can be adequately constructed or that an existing supply safely used, it shall issue a written permit to proceed with construction or a letter of approval, in the latter case.
- (2) When the approving authority determines that a

proposed water supply system will not be satisfactory so as to preclude safe and proper operation of the desired installation and there are no other alternatives, it will deny, in writing, a permit and specify the reasons for denial.

State for public water supplies:

MINIMUM SAFE DISTANCES

Source of Pollution	Minimum Distance (feet)
Septic tank	50
Absorption field	100
Cesspools, pit privies, etc.	150
Sand filters (watertight)	50
Sand filters	100
Cast iron sewers	20
Other sewers	35
Property lines	10
Foundations of buildings	100
Gasoline storage facilities	100
Chemical storage	100
Intensive livestock operations	100

Sec. 14-41. Location and operating requirements.

- (a) Compliance with Article. The location and construction of water supply systems shall conform to the requirements of this Article and specifications pertinent to the type of supply
- (b) Location within building. No water supply system for human consumption shall be located within any building, except a separate structure housing pumping equipment.
- (c) Protection from surface wash or flooding. Water supply systems shall be protected from surface wash or flooding by suitable sloping or ditching of ground surfaces. Water supply systems shall not be located in ground swale areas or flood plains which are subject to increased surface runoff or flooding.
- (d) General location requirements for wells. All wells shall be properly located on the premises consistent with the general layout, topography and surroundings, including abutting lots.
- (e) Locations of wells with respect to sources of pollution.
 - (1) All non-public, Class III wells shall be located at a minimum distance from known sources of pollution as set forth in the following table or as required by the

- (2) In installations where Class I or II wells are constructed, the distance between potential sources of pollution may be reduced, provided that geological conditions indicate such would be satisfactory and in accordance with the state health standards for the location of public supplies in relation to potential sources of pollution.

- (f) Locations which require the utilization of central water supply systems.

- (1) A central water supply system must be utilized for any new subdivision which contains six (6) or more lots where any of these lots are two (2) acres or less.
- (2) Central water systems are required where warranted by the Culpeper County Health Department because of soil conditions, development density, or potential for contamination of individual wells, due to

the topographic and/or water table circumstances.

- (3) Where central water supply systems are to be utilized, all such systems shall be subject to and governed by the Culpeper County Water and Sewer Authority Design Standards.

Sec. 14-42. Individual, On-lot wells prohibited in certain locations.

In subdivisions where a central water supply is established and available for connection, whether public or private, individual, on-lot wells shall be prohibited.

The restriction above shall be waived if all of the following criteria are met:

- (a) The minimum lot size shall be one acre.
- (b) The central water supply system must have been constructed and in operation prior to October 5, 2004.
- (c) A site plan which lays out the site, indicating the house location and any other structures, the primary and reserve drainfield areas, and the proposed well location on the subject lot and on all adjoining lots must be submitted to the Virginia Department of Health for review and approval. Such plan must be prepared by a licensed soil consultant or a professional engineer.
- (d) The individual, on-lot well, if permitted, shall not be interconnected in any way to the central water supply

system. If an individual, on-lot well is utilized, the property owner shall notify the owner of the central water system and shall immediately disconnect from the central system by capping lines and removing meters, if any. Physical disconnection shall be external to the dwelling at or near the service connection and shall be confirmed by the Virginia Department of Health. Once an individual lot is disconnected from the central water supply system, the owner of the lot shall continue to allow reasonable access to water lines which are on the property and which remain an integral part of the central system for maintenance, repair, and improvement purposes.

- (e) If the installation of an individual well is proven to have a negative influence on the quantity or quality of the water supplied by the central well system, it shall be capped and prohibited from use. The determination as to whether or not a negative influence has occurred due to the installation of an individual well shall be made by Culpeper County in consultation with the Virginia Department of Health at its sole discretion. The property owner drilling the individual well shall agree in advance to abide by this provision and the County determination.

Sec. 14-43–14-48. (Reserved)